

STATE SENATOR • HANSEN CLARKE • 1ST DISTRICT

Clarke Press Release

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FOR IMMEDIATE RELEASE

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SEN. CLARKE TO OFFER LEGISLATION TO CORRECT PROBLEMS WITH GRANDPARENT VISITATION STATUTE State Supreme Court Rules Law Unconstitutional “As Written”

LANSING- State Senator Hansen Clarke (D-Detroit) stated today that he is having drafted legislation that would correct constitutionality concerns with Michigan’s grandparent visitation statute. The Michigan State Supreme Court ruled today that the current law does not meet constitutionality requirements “as written.”

“In my opinion, the constitutionality concerns with the grandparent visitation law, identified by the State Supreme Court, can be corrected,” said Sen. Clarke. “We owe it to the grandparents and grandchildren of Michigan to make this legislation work.”

Sen. Clarke, who has a law degree from the Georgetown Law Center, stated that there is nothing in the State Supreme Court’s ruling to indicate that grandparent visitation statutes are per se unconstitutional. The Senator stated that the Court’s decision ruled the law unconstitutional as written because it did not give deference to a fit parent’s decision regarding what is best for the child.

“It was the intent of the original law to mandate visitation only in circumstances where there was a compelling interest in overriding the parent’s decision,” said Sen. Clarke. “The Supreme Court

ruled that the Legislature failed to make that clear in the statute so it falls upon us to correct the oversight.”

Sen. Clarke stated that he has requested legislation that will make clear the presumption that the parent’s decision is correct and that the burden of proof must be upon the petitioning grandparents to overcome the presumption. The Senator also stated that he is open to exploring alternative legislation that helps to clarify the rights of grandparents in Michigan.